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## THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.	Date of Notification: Date: <u>12</u> Month: <u>09</u> Year: <u>2003</u>
Attorney:	LILI WU	
Application No.:	01137469.1	
Title of the Invention:	IMAGE SIGNAL DATA STRUCTURE, IMAGE CODING METHOD, AND IMAGE DECODING METHOD	

## Notification of the First Office Action

1.  The applicant requested examination as to substance and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China(hereinafter referred to as "the Patent Law").  
 The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2.  The applicant claimed priority/priorities based on the application(s): filed in JP on Oct. 31, 1997, filed in JP on Jun. 9, 1998, filed in \_\_\_\_\_ on \_\_\_\_\_,  
 The applicant has provided the priority documents certified by the Patent Office where the priority application(s) was/were filed.  
 The applicant has not provided the priority documents certified by the Patent Office where the priority application(s) was/were filed and therefore the priority claim(s) is/are deemed not to have been made under Article 30 of the Patent Law.  
 The application is a PCT continuation.
3.  The applicant submitted amendments to the application on \_\_\_\_\_ and on \_\_\_\_\_, wherein the amended \_\_\_\_\_ submitted on \_\_\_\_\_ and the amended \_\_\_\_\_ submitted on \_\_\_\_\_ are not acceptable, because said amendments do not comply with  Article 33 of the Patent Law.  
 Rule 51 of the Implementing Regulations of the Patent Law.  
The specific reasons why the amendments are not allowable are set forth in the text portion of this Notification.
4.  Examination as to substance was directed to the initial application documents as filed.  
 Examination as to substance was directed to the documents as specified below:  
pages 1-53 of the description, claims \_\_\_\_\_ and pages 1-16 of the drawings submitted on Nov. 16, 2001,  
pages \_\_\_\_\_ of the description, claims 1-12 and pages \_\_\_\_\_ of the drawings submitted on Oct. 22, 2002,  
pages \_\_\_\_\_ of the description, claims \_\_\_\_\_ and pages \_\_\_\_\_ of the drawings submitted on \_\_\_\_\_, the abstract submitted on Nov. 16, 2001, and the figure for the abstract submitted on Nov. 16, 2001.
5.  This Notification is issued without search reports.  
 This Notification is issued with consideration of the search results.  
 Below is/are the reference document(s) cited in this Office Action(the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	cn1134586a	Date: <u>30</u> Month: <u>10</u> Year: <u>1996</u>
2		Date: __ Month: __ Year: __
3		Date: __ Month: __ Year: __
4		Date: __ Month: __ Year: __
5		Date: __ Month: __ Year: __

6. Conclusions of the Action:

On the Specification:

- The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- The description does not comply with Article 26 paragraph 3 of the Patent Law.
- The draft of the description does not comply with Rule 18 of the Implementing Regulations.

On the Claims:

- Claim(s) \_\_\_\_ is/are not patentable under Article 25 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- Claim(s) 1 does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not comply with Article 26 paragraph 4 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not comply with Article 31 paragraph 1 of the Patent Law.
- Claim(s) 1.2.5-7.9-12 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- Claim(s) \_\_\_\_ does/do not comply with Article 9 of the Patent Law.
- Claim(s) \_\_\_\_ does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- The applicant should make amendments as directed in the text portion of the Notification.
- The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- 

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of \_\_ pages and the following attachments:

cited reference(s), totaling        pages.

Examination Dept.        Examiner:       

Seal of the Examination Department

Text of the first Office Action

The present application relates to an image signal data structure, image encoding method and decoding method. The examination comments are as follows:

1. Claim 1 cannot be allowed for lacking the novelty over reference 1, under Article 22(2) of the Chinese Patent Law.

Reference 1 (CN1134586) discloses a method for reproducing compressed encoded image data, which includes the following features: the method reproduces the compressed encoded image data from a recording medium by utilizing correlation in a direction of a time axis in which the encoded image data represents a plurality of frames which correspond to at least one group of picture having a picture or pictures unable to be properly predictively decoded wherein each GOP includes different types of pictures including intraframe predictively encoded and interframe predictively encoded pictures. The method comprises the steps of: detecting the image data corresponding to a first intraframe predictively encoded picture and either a second intraframe predictively encoded picture or an interframe predictively encoded picture; and outputting properly decoded image data after the detection of the image data corresponding to the first intraframe predictively encoded picture and either the second intraframe predictively encoded picture or the interframe predictively encoded picture.

Therefore, all the technical features of the claim 1 have been disclosed by reference 1. Claim 1 and reference 1 relate to the same technical field, have the similar technical solution and result in the same technical effect. Claim 1 then has no novelty over reference 1 and cannot be allowed according to Article 22(2) of the Chinese Patent Law.

2. Claim 5 cannot be allowed for being indefinite and unclear, under Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

The parentheses in claim 5 make it unclear.

Claims 6,7 and 9 cannot be allowed for the same reason.

3. Claim 10 cannot be allowed according to Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

<sup>10</sup>  
Claim 4 itself is an independent claim for a data recording medium, which is described as "storing the program executing the method defined in claim 1". Such a drafting manner makes the independent claim 10 unclear.

Claim 11 cannot be allowed for the same reason as set forth for claim 10.

4. The specification cannot be allowed according to Article 26(4) of the Chinese Patent Law.

The portion titles shall be amended according to the Chinese practice.

To sum up, the present application cannot be allowed. The applicant is required to amend the document based on the examination comments to overcome the defects. Otherwise, the application will be rejected. The amendment should not go beyond the original disclosure scope.

# 中华人民共和国国家知识产权局

邮政编码: 100031

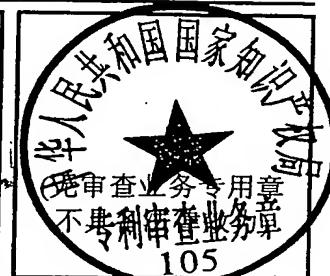
北京市复兴门内大街 158 号远洋大厦 F10 层

中国国际贸易促进委员会专利商标事务所

吴丽丽



审查员

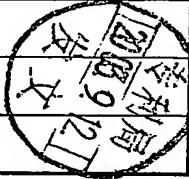


105

申请号: 01137469.1 部门及通知书类型: 9-C 发文日期:

申请人: 松下电器产业株式会社

发明名称: 图象信号数据结构、图象编码方法及译码方法



## 第一次审查意见通知书

1.  依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。

根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2.  申请人要求以其在:

JP 专利局的申请日 1997 年 10 月 31 日 为优先权日,  
 JP 专利局的申请日 1998 年 6 月 9 日 为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 为优先权日,  
 \_\_\_\_\_ 专利局的申请日 \_\_\_\_\_ 为优先权日,

2012565

申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。

3.  申请人于\_\_\_\_年\_\_\_\_月\_\_\_\_日和\_\_\_\_年\_\_\_\_月\_\_\_\_日提交了修改文件。

经审查, 其中: \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的\_\_\_\_不能被接受; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的\_\_\_\_不能被接受;

因为上述修改:  不符合专利法第 33 条的规定。  不符合实施细则第 51 条的规定。

修改不能被接受的具体理由见通知书正文部分。

4.  审查是针对原始申请文件进行的。

审查是针对下述申请文件进行的:

说明书 申请日提交的原始申请文件的第\_\_\_\_页;

2001 年 11 月 16 日提交的第 1-53 页; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页;

\_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页;

权利要求 申请日提交的原始申请文件的第\_\_\_\_项;

2002 年 10 月 22 日提交的第 1-12 项; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_项;

\_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_项; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_项;

附图 申请日提交的原始申请文件的第\_\_\_\_页;

2001 年 11 月 16 日提交的第 1-16 页; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页;

\_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页; \_\_\_\_年\_\_\_\_月\_\_\_\_日提交的第\_\_\_\_页;

说明书摘要  申请日提交的;  2001 年 11 月 16 日提交的;

摘要附图  申请日提交的;  2001 年 11 月 16 日提交的。

5.  本通知书是在未进行检索的情况下作出的。

# 中华人民共和国国家知识产权局

本通知书是在进行了检索的情况下作出的。

本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN 1134586 A	1996. 10. 30
2		
3		
4		

## 6. 审查的结论性意见:

### 关于说明书:

申请的内容属于专利法第 5 条规定的不授予专利权的范围。  
 说明书不符合专利法第 26 条第 3 款的规定。  
 说明书的撰写不符合实施细则第 18 条的规定。

### 关于权利要求书:

权利要求 1 不具备专利法第 22 条第 2 款规定的新颖性。  
 权利要求 \_\_\_\_ 不具备专利法第 22 条第 3 款规定的创造性。  
 权利要求 \_\_\_\_ 不具备专利法第 22 条第 4 款规定的实用性。  
 权利要求 \_\_\_\_ 属于专利法第 25 条规定的不授予专利权的范围。  
 权利要求 \_\_\_\_ 不符合专利法第 26 条第 4 款的规定。  
 权利要求 \_\_\_\_ 不符合专利法第 31 条第 1 款的规定。  
 权利要求 \_\_\_\_ 不符合实施细则第 2 条第 1 款关于发明的定义。  
 权利要求 \_\_\_\_ 不符合实施细则第 13 条第 1 款的规定。  
 权利要求 1、2、5—7、9—12 不符合实施细则第 20 条至第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

## 7. 基于上述结论性意见, 审查员认为:

申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。  
 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

## 8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

## 9. 本通知书正文部分共有 3 页, 并附有下述附件:

引用的对比文件的复印件共 1 份 15 页。





## 第一次审查意见通知书正文

申请号：01137469.1

如说明书所述，本申请涉及一种图象信号数据结构、图象编码方法及译码方法。经审查，现提出如下审查意见。

1. 权利要求 1 请求保护一种图象编码方法，其中出现了如下语句：“当所述再生周期标识符标识所述图象再生周期是固定的时”。其中“的时”部分的表述不符合汉语表达习惯，其含义表达不清楚，应当改为“的时候”。因而权利要求 1 没有清楚地表述其请求保护的范围，不符合专利法实施细则第二十条第一款的规定。

鉴于权利要求 2、5 中也都分别出现了带有“的时”的语句，根据上述同样的理由，权利要求 2、5 不符合专利法实施细则第二十条第一款的规定。

然而即使权利要求 1 经过修改克服了上述缺陷，它仍然不符合专利法第二十二条第二款的规定，不具有新颖性，具体理由如下：对比文件 1 (CN1134586A) 公开了一种再生编码数据的方法及装置，并具体披露了以下技术特征 (说明书第 8 页倒数第 8 行至第 16 页第 10 行及附图 1、2)：该再生编码数据的方法利用在一时间轴方向上的相关性从记录介质上再生经压缩编码的图象数据，在该时间轴上的编码图象数据代表着多个帧，对应于至少一图象组，其具有不能正确预测解码的一个或多个图象，其中的每一个图象组包括有帧内预测编码和帧间预测编码图象的不同类型的多幅图象，该方法包括以下的步骤：检测对应于第一帧内预测编码图象，及或第二帧内预测编码图象或帧间预测编码图象的图象数据；在检测了对应于第一帧内预测编码图象，及或第二帧内预测编码图象或帧间预测编码图象的图象数据之后，输出正确解码的图象数据。权利要求 1 请求保



护的技术方案与对比文件 1 涉及相同的技术领域，所要解决的技术问题相同，二者技术方案实质上相同，并能产生相同的技术效果。因而权利要求 1 不符合专利法第二十二条第二款的规定，不具有新颖性。

2. 权利要求 5 中使用了不必要的括号：“用于示出所述帧的图象再生周期是所述子单元时间的 M 倍 (子单元时间 × M)”，不清楚括号里的内容是要作出进一步限定还是仅起注释说明的作用，使得权利要求 5 请求保护的范围不清楚。因而权利要求 5 没有清楚地表述其请求保护的范围，不符合专利法实施细则第二十条第一款的规定。

鉴于权利要求 6、7、9 中也都使用了不必要的括号，根据上述同样的理由，权利要求 6、7、9 也不符合专利法实施细则第二十条第一款的规定。

3. 权利要求 10 是一项独立权利要求，请求保护一种数据存储介质，其中采用了如下写法：“包含使得计算机执行权利要求 1 的编码方法的编码处理程序”。对于一项独立权利要求来说，权利要求 10 应当说明发明的技术特征，清楚地表述其请求保护的范围，而权利要求 10 采用引用其它权利要求的写法显然并不能清楚地说明其技术特征，使得其请求保护的范围不清楚。因而权利要求 10 没有清楚地表述其请求保护的范围，不符合专利法实施细则第二十条第一款的规定。

鉴于权利要求 11 中出现了“包含使得计算机执行权利要求 5 的编码方法的编码处理程序”，根据上述同样的理由，权利要求 11 不符合专利法实施细则第二十条第一款的规定。

4. 权利要求 12 是一项独立权利要求，其结尾处却注有分号“；”，



表明该权利要求未完结，使得其请求保护的范围不清楚。因而权利要求 12 没有清楚地表述其请求保护的范围，不符合专利法实施细则第二十条第一款的规定。

## (二)

该申请的说明书还存在下述问题：说明书中部分标题不正确，应当将“技术内容”改为“发明内容”，因而说明书不符合专利法实施细则第十八条第二款的规定。

基于上述理由，本申请按照目前的文本是不能够被授权的。申请人应根据上述审查意见在指定的期限内提交新的权利要求书和/或说明书，修改时应满足专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围，如果申请人不能在本通知书规定的答复期限内克服上述缺陷或表明其具有符合所述规定的充分理由，本申请将被驳回。申请人应提供修改所涉及的原文复印件，并将修改之处用彩笔标示清楚。



## [12]发明专利申请公开说明书

[21]申请号 96101461.X

[43]公开日 1996年10月30日

[22]申请日 96.1.31

[30]优先权

[32]95.1.31 [33]JP[31]032943 / 95

[71]申请人 索尼公司

地址 日本东京

[72]发明人 河村真 清水义则 藤波靖

[51]Int.Cl<sup>6</sup>

G11B 20/10

[74]专利代理机构 柳沈知识产权律师事务所

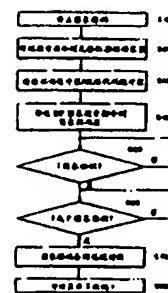
代理人 孙履平

权利要求书 7 页 说明书 20 页 附图页数 14 页

[54]发明名称 再生编码数据的方法及装置

[57]摘要

对按照运动图像专家组 (MPEG) 标准压缩的且被记录在一记录介质上的数据进行再生的方法及装置。读出的图像数据被解码并被送达显示装置。当执行特殊处理如随机存取时，则在起始周期内不可能正确解码图像数据。在此期间，辅助信号送到显示装置，直到检测到对应于一帧内预测编码(I)图像及或另一个帧内预测编码(I)图像或一个帧间预测编码(P)图像的图像数据为止，从而图像数据被正确解码，并且将该数据而不是辅助信号送到显示装置。



(BJ)第 1456 号